

REMARKS

I. Status of the claims

By this Amendment, Applicants amend claims 1, 5, 9, 18, and 22. Claims 1-25 remain pending under current examination.

In the Office Action of November 30, 2005, claim 8 was rejected under 35 U.S.C. § 112 first paragraph as failing to comply with the written description requirement and the enablement requirement and claims 1-25 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,570,491 to *Crovetto et al.* ("Crovetto") in view of U.S. Patent No. 6,396,515 to *Hetherington et al.* ("Hetherington"). Applicants traverse the rejections of claims 1-25 for the reasons set forth below.

II. Rejection to claim 8 under 35 U.S.C. § 112

In the Office Action, the Examiner stated an input query used to trigger the receiving step as recited in claim 8, fails to comply with the written description requirement of 35 U.S.C. § 112, first paragraph, because the claimed feature was not sufficiently described in the specification (OA at 2). Applicants disagree. The Examiner has not shown, by a preponderance of evidence, that a person skilled in the art would not recognize the applicants' possession of the claimed invention at the time the application was filed.

A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an Applicant's disclosure a description of the invention defined by the claims. M.P.E.P. § 2163.04.

In this case, claim 8 is an original claim filed with the application, and is therefore part of the specification. As such, claim 8 can be utilized to satisfy the written description requirement. Further, in describing Figure 1, Applicants' disclosure mentions input device 115 in detail (see paragraph 22 of the specification). Accordingly, Applicants' disclosure as originally filed adequately describes the invention recited in claim 8. Thus, claim 8 complies with the written description requirement.

The Examiner further asserted claim 8 fails to comply with the enablement requirement (OA at 2). Applicants disagree. However, in an effort to advance prosecution, Applicants have amended independent claim 5, from which claim 8 depends, to recite "generating a user interface layout corresponding to a locale." Accordingly, based on these changes, claim 8 complies with the enablement requirement.

As such, claim 8 complies with both the written description and enablement requirements of 35 U.S.C. § 112, first paragraph, and thus Applicants request withdrawal of the rejection to claim 8.

III. Rejection of claims 1-25 under 35 U.S.C. § 103(a)

Applicants traverse the rejection of claims 1-25 under 35 U.S.C. § 103(a) because the Examiner has not established a *prima facie* case of obviousness. To establish *prima facie* obviousness under 35 U.S.C. § 103(a), three requirements must be met. First, the applied references, taken alone or in combination, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the reference(s) or in the knowledge generally available to one of ordinary skill in the art, to combine or

modify the reference(s) in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, and not be based on applicant’s disclosure.” M.P.E.P. § 2143 (8th ed. 2001).

In rejecting independent claim 1, the Examiner alleged that *Crovetto* discloses:

using the at least one resource string to retrieve the data, the data containing at least one parameter existing in multiple locales, and associated with at least one element of the user interface, the at least one parameter being integrated into a syntactical structure corresponding to the locale (OA at 3).

Applicants disagree with the Examiner’s interpretation of *Crovetto*. *Crovetto* describes a visual syntax builder for “graphically assisting a user in entering directives and commands in a space vehicle control system” (col. 4, lines 9-12). In the Office Action, the Examiner noted *Crovetto*’s disclosure of “directives or command 37” as teaching a resource string to retrieve data (OA at 3); the Examiner noted *Crovetto*’s disclosure of retrieving a “directive or command template containing the operational parameters corresponding to the selected directive” as teaching the data containing a parameter associated with an element of the user interface (OA at 3; col. 5, lines 62-64); and the Examiner also noted *Crovetto*’s disclosure of “formatting . . . the specified directive or command and corresponding operational parameters into a command string” as teaching the parameter being integrated into a syntactical structure (OA at 4; col. 4, lines 65-67). However, even if a directive or command were consistent with a resource string (to which Applicants do not acquiesce), retrieving a directive or command template in response to a selection of the directive or command is not the same as using the at least one resource string to retrieve the data, the data containing at least

one parameter existing in multiple locales, and associated with at least one element of the user interface, the at least one parameter being integrated into a syntactical structure corresponding to the locale.

According to *Crovetto*, the directive or command template includes “a list of corresponding operational parameters, an indication of valid values . . . and the data type of each operational parameter” (col. 6, lines 2-5). The operational parameters further define the command and can include “a value indicating the number of times to perform an operation” (col. 4, lines 52-55). These parameters, however, are not existing in multiple locales. Further, the parameters disclosed by *Crovetto* are not integrated into a syntactical structure corresponding to the locale,” as asserted by the Examiner.

Crovetto also does not disclose that the operational parameters listed in the templates are associated with at least one element of the user interface, as recited in claim 1. Instead, *Crovetto* discloses analyzing listed parameters, which merely further define commands, and then adding appropriate interface elements for displaying the parameters (col. 6, lines 13-15).

Moreover, while mentioning that the syntax builder can format a directive and corresponding operational parameters into a command string (col. 4, lines 65-67), *Crovetto* does not teach using a resource string to retrieve data containing a parameter that is integrated into a syntactical structure corresponding to a locale, as asserted by the Examiner (OA at 3-4).

Further, *Hetherington* does not cure *Crovetto*’s deficiencies. *Hetherington* discloses a software implementation in which a language-specific file selection may be

based on the current setting of a language property for the host data processing system (Abstract). If a language change request is received, the user interface may be reloaded with text supplied from a different language-specific file pursuant to the language change request (Abstract). That is, *Hetherington* discloses selecting appropriate user interface text objects to display text-based user interface components at run-time (FIGs. 2C-2D, col. 4, lines 61-66). Like *Crovetto*, *Hetherington* does not teach or suggest at least “the data containing at least one parameter existing in multiple locales, and associated with at least one element of the user interface, the at least one parameter being integrated into a syntactical structure corresponding to the locale,” as recited in claim 1.

For at least these reasons, the rejection of claim 1 is not supported by the cited references. Accordingly, because the Examiner has not established a *prima facie* case of obviousness, the rejection of this claim under 35 U.S.C. § 103(a) should be withdrawn and the claim allowed.

Further, the requisite motivation to combine the cited art is lacking. Determinations of obviousness must be supported by evidence on the record. See *In re Zurko*, 258 F.3d 1379, 1386 (Fed. Cir. 2001) (finding that the factual determinations central to the issue of patentability, including conclusions of obviousness by the Board, must be supported by “substantial evidence”). Further, the desire to combine references must be proved with “substantial evidence” that is a result of a “thorough and searching” factual inquiry. *In re Lee*, 277 F.3d 1338, 1343-1344 (Fed. Cir. 2002) (quoting *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52).

In this case, the Office Action does not show, by substantial evidence, that a skilled artisan considering *Crovetto* and *Hetherington*, and not having the benefit of Applicants' disclosure, would have been motivated to combine the references in the manner alleged. According to the Examiner, a skilled artisan would have combined the references "because a system-controlled interface would have been obtained" (OA at 4). This allegation in the Office Action is not properly supported and does not show that a skilled artisan would have combined the references as alleged.

Applicants call attention to M.P.E.P. § 2143.01, which makes clear that: "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination" (citations omitted). The Office Action does not show that the cited art "suggests the desirability" of the alleged combination. Moreover, the Office Action does not provide a proper motivation from the knowledge generally available to one skilled in the art. Applicants submit that the conclusions in the Office Action pertaining to obviousness were not reached based on facts gleaned from the cited references and that, instead, teachings of the present application were improperly used in hindsight to reconstruct the prior art. For at least these additional reasons, a case of *prima facie* obviousness has not been established with respect to claim 1, and the rejection of that claim under 35 U.S.C. § 103(a) should be withdrawn.

Independent claims 5, 9, 18 and 22, although of different scope, include recitations similar to those of claim 1. As explained, the cited art does not support the rejection of claim 1 under 35 U.S.C. § 103(a). Accordingly, for at the least the same reasons presented above in connection with claim 1, the rejection of independent claims

5, 9, 18, and 22 is not supported by *Crovetto* and *Hetherington*, either alone or in combination. Therefore, the rejection of these claims should be withdrawn and the claims allowed.

Claims 2-4 depend from claim 1; claims 6-8 depend from claim 5; claims 10-17 depend from claim 9; claims 19-21 depend from claim 18; and claims 23-25 depend from claim 22. For at least the reasons presented above in connection with independent claims 1, 5, 9, 18, and 22, the rejection of these dependent claims is also not supported by *Crovetto* and *Hetherington*, either alone or in combination. Accordingly, the rejection of these claims should be withdrawn and the claims allowed.

V. Conclusion

Applicants request reconsideration of this application in view of the foregoing and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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